

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

2005 NOV -1 A 9 40

**ANTHONY T. LEE, et al.,**

**Plaintiffs,**

**UNITED STATES OF AMERICA**

**Plaintiff-Intervenor and Amicus  
Curiae,**

**NATIONAL EDUCATION ASSOCIATION,  
INC.,**

**Plaintiff-Intervenor,**

**vs.**

**MACON COUNTY BOARD OF EDUCATION,  
et al.,**

**Defendants.**

**CIVIL ACTION NO.: 3:70cv846-T**

**AMENDED MOTION FOR APPROVAL OF NOTICE**

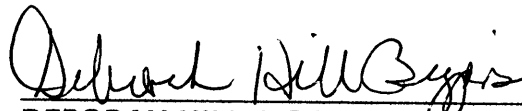
Comes now the **Macon County Board of Education** and moves the Court for approval of the following amended documents that incorporate the suggestions of the other parties:

1. Notice of Hearing on Motion for Declaration of Unitary Status and Possible Termination of Macon County School Desegregation Case to be published in the Tuskegee News for three successive weeks, extending certain deadlines from the dates appearing in the original proposed notice;
2. Notice of Hearing on Motion for Declaration of Unitary Status and Possible Termination of Macon County Desegregation Case to be

provided to parents of students enrolled in the school system, extending certain deadlines from the dates appearing in the original proposed notice; and

3. Objection/Comment Form, which lines have been added, to make it easier to state objections and comments.

**Done this 31<sup>st</sup> day of October, 2005.**



---

**DEBORAH HILL BIGGERS (BIG002)**  
**Attorney for Macon County Board of Education**  
**113 East Northside**  
**Tuskegee, Alabama 36083**  
**PH: (334) 727-0092**  
**FAX (334) 727-7117**

**Macon County Board of Education**  
501 South School Street, Tuskegee, AL 36083  
(334) 727-1600

**NOTICE OF HEARING ON MOTION FOR DECLARATION OF  
UNITARY STATUS AND POSSIBLE TERMINATION OF MACON  
COUNTY BOARD OF EDUCATION SCHOOL DESEGREGATION CASE**

The Macon County Board of Education hereby gives notice of a hearing which could result in termination of the school desegregation case, *Lee vs. Macon County Board of Education*. In August 1963, the Macon County Board of Education was ordered to immediately take steps to desegregate the schools in Macon County, Alabama. In 1963 and 1964, the U.S. District Court found it necessary on four different occasions to enjoin Governor George C. Wallace and other state officials from interfering with the desegregation of the Macon County School System.

In subsequent years, the Macon County Board of Education assumed the affirmative duty to eliminate all vestiges of illegal segregation to the extent practicable and to comply in good faith with all court orders.

According to the 2000 Census, Macon County, Alabama has the second highest percentage of black population among the nation's counties, which is 84.6%.

On October 28, 2005, the Board filed a motion with the U.S. District Court, requesting the Court to declare that it has achieved unitary status and that court supervision is no longer necessary. The attorneys for the Plaintiffs and the United States have not objected. Copies of documents about this process are available for review at the Central Office of the Macon County Board of Education at 501 South School Street, Tuskegee, Alabama, and may be viewed between 9:00 a.m. and 4:00 p.m. Monday through Friday from November 3, 2005 to December 16, 2005.

Judge Myron Thompson, United States District Court Judge has scheduled a hearing for December 19, 2005 at 9:00 a.m. in the United States Courthouse, 15 Lee Street, Montgomery, Alabama 36104 to determine whether or not the motion by the Macon County Board of Education should be granted.

The hearing is open to the public and the Court invites objections and comments from any interested parties. Written objections and comments are requested to be made on forms which are available at the Central Office for the Macon County Board of Education and in the principal's office at all Macon County Public Schools. Written comments and objections must be submitted to the Court at the address indicated on the form and must be postmarked no later than December 9, 2005.

If you have any questions, you may contact Counsel for the Macon County School District: Deborah Biggers at (334) 727-0092; Counsel for Private Plaintiffs: Fred Gray, Jr. at (334) 727-4830; or Counsel for the United States: Pauline Miller at (202) 514-2179.

A copy of this notice is to be provided to each parent or guardian of a student enrolled in the Macon County School District and posted at all Macon County Public Schools, the Macon County School District Central Office and the Macon County Courthouse. The posting of this notice shall be from November 3, 2005 to December 16, 2005.

This notice shall also be published in the Tuskegee News for three (3) successive weeks.

**Macon County Board of Education**  
501 South School Street, Tuskegee, AL 36083  
(334) 727-1600

**NOTICE OF HEARING ON MOTION FOR DECLARATION OF  
UNITARY STATUS AND POSSIBLE TERMINATION OF MACON  
COUNTY BOARD OF EDUCATION SCHOOL DESEGREGATION CASE**

The Macon County Board of Education hereby gives notice of a hearing which could result in termination of the school desegregation case, *Lee vs. Macon County Board of Education*. In August 1963, the Macon County Board of Education was ordered to immediately take steps to desegregate the schools in Macon County, Alabama. In 1963 and 1964, the U.S. District Court found it necessary on four different occasions to enjoin Governor George C. Wallace and other state officials from interfering with the desegregation of the Macon County School System.

In subsequent years, the Macon County Board of Education assumed the affirmative duty to eliminate all vestiges of illegal segregation to the extent practicable and to comply in good faith with all court orders.

According to the 2000 Census, Macon County, Alabama has the second highest percentage of black population among the nation's counties, which is 84.6%.

On October 28, 2005, the Board filed a motion with the U.S. District Court, requesting the Court to declare that it has achieved unitary status and that court supervision is no longer necessary. The attorneys for the Plaintiffs and the United States have not objected. Copies of documents about this process are available for review at the Central Office of the Macon County Board of Education at 501 South School Street, Tuskegee, Alabama, and may be viewed between 9:00 a.m. and 4:00 p.m. Monday through Friday from November 3, 2005 to December 16, 2005.

Judge Myron Thompson, United States District Court Judge has scheduled a hearing for December 19, 2005 at 9:00 a.m. in the United States Courthouse, 15 Lee Street, Montgomery, Alabama 36104 to determine whether or not the motion by the Macon County Board of Education should be granted.

The hearing is open to the public and the Court invites objections and comments from any interested parties. Written objections and comments are requested to be made on forms which are available at the Central Office for the Macon County Board of Education and in the principal's office at all Macon County Public Schools. Written comments and objections must be submitted to the Court at the address indicated on the form and must be postmarked no later than December 9, 2005.

If you have any questions, you may contact Counsel for the Macon County School District: Deborah Biggers at (334) 727-0092; Counsel for Private Plaintiffs: Fred Gray, Jr. at (334) 727-4830; or Counsel for the United States: Pauline Miller at (202) 514-2179.

A copy of this notice is to be provided to each parent or guardian of a student enrolled in the Macon County School District and posted at all Macon County Public Schools, the Macon County School District Central Office and the Macon County Courthouse. The posting of this notice shall be from November 3, 2005 to December 16, 2005.

This notice shall also be published in the Tuskegee News for three (3) successive weeks.

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**ANTHONY T. LEE, et al.,**

**Plaintiffs,**

**UNITED STATES OF AMERICA**

**Plaintiff-Intervenor and Amicus Curiae.**

**CIVIL ACTION NO.: 3:70cv846-T**

**NATIONAL EDUCATION ASSOCIATION,  
INC.,**

**Plaintiff-Intervenor.**

**VS.**

**MACON COUNTY BOARD OF EDUCATION,  
et al.,**

**Defendants.**

**OBJECTION/COMMENT TO DECLARATION  
OF UNITARY STATUS AND POSSIBLE TERMINATION  
OF MACON COUNTY SCHOOL DESEGREGATION CASE**

- 1. Please Print:**

Name: \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

2. Are you a Student?

## Parent of a Student?

## Concerned Citizen?



**CERTIFICATE OF SERVICE**

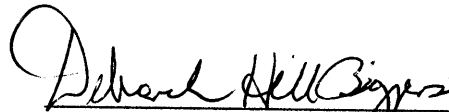
I hereby certify that on this 31<sup>st</sup> day of October, 2005, I electronically served the foregoing upon the following attorneys of record:

**Hon. Fred D. Gray, Jr.**  
**Counsel for Lee Plaintiffs**  
**and NEA Plaintiff-Intervenor**  
**FGrayjr@glsmgn.com**

**Hon. Pauline A. Miller**  
**Counsel for the United States**  
**Pauline.A.Miller@usdoj.gov**

**Hon. Norman J. Chachkin**  
**Counsel for Lee Plaintiffs**  
**NAACP Legal Defense Fund**  
**and Educational Fund, Inc.**  
**NCHACHKIN@NAACPLDF.ORG**

**Hon. Reginald Sorrells**  
**Counsel for the Alabama State**  
**Department of Education**  
**rsorrells@ALSDE.edu**



---

**DEBORAH HILL BIGGERS**  
**Attorney for Macon County Board of Education**